## REMARKS

The Applicant wishes to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated June 21, 2005 has been received and carefully reviewed. Claims 1, 7 and 15 have been amended. Claims 9-14 have been withdrawn. Claims 1-8 and 15 are currently pending. The Applicant respectfully requests reexamination and reconsideration.

The Office Action objected to claim 2 for being dependent on later recited claim 5. The Applicant notes that, as originally filed, claim 2 depended from claim 1 and was changed during the course of prosecution to depend from claim 5 when claim 5 was added in a subsequent amendment. The Applicant submits that while claim 2 does depend from a later claim, this occurred as a result of the prosecution of the application. Furthermore, "When the application is ready for allowance, the Examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by the Applicant." *See e.g.*, M.P.E.P. 608.01(j) and 37 C.F.R. 1.126. Therefore, the Applicant submits that the objection is improper and requests that it be withdrawn.

The Office Action rejected claims 1, 7 and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,412,389 to *Kruger* (hereinafter "*Kruger*"). The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicant respectfully submits that *Kruger* does not teach every element recited in claim 1. In particular, claim 1 recites a laundry dryer control method comprising, for example, "calculating a drying time based on the temperature variation rate; and performing the drying procedure for the calculated drying time." At most, *Kruger* discloses "measuring the time interval between the occurrence of two

fixed temperature values for determining the temperature gradient[1]." However, it does not follow, nor does *Kruger* in fact disclose, calculating a drying time based on the temperature variation rate and performing a drying procedure for the calculated drying time as recited in claim 1. The temperature gradient determining means in *Kruger* includes a means for measuring one of a temperature differential and a time interval. Nevertheless, neither is a detection of a predetermined change in a rate of change, i.e., temperature variation rate. Accordingly, the Applicant submits that *Kruger* does not disclose all the elements recited in claim 1 and requests that the rejection be withdrawn. Likewise, claims 7 and 8, which depend from claim 1, are also patentable for at least the same reasons.

The Applicant notes that the Examiner's rejection of claims 1, 7 and 8 under 35 U.S.C. § 102(b) only states: "[c]laims 1, 7 and 8 are rejected under 35 U.S.C.§ 102(b) as being clearly anticipated by *Kruger* (U.S. Patent No. 4,412,389)." The Applicant has thoroughly reviewed *Kruger* and after doing so, the Applicant found no teaching or suggestion, expressed or implied, in *Kruger* of a dryer that calculates a drying time based on a temperature variation rate or performs a drying procedure for said calculated drying time. Thus, if the Examiner maintains his rejection of claims 1, 7 and 8 in view of *Kruger*, the Applicant respectfully requests that the Examiner identify the column and line numbers where he believes these specific features are taught.

In addition, the Office Action rejected claims 2-6 under 35 U.S.C. § 103(a) as being unpatentable over *Kruger* in view of U.S. Patent No. 5,682,684 to *Wentzlaff et al.* (hereinafter "*Wentzlaff*"). The Applicant respectfully traverses the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior

[1] *See e.g.*, col. 2, ll. 47-50.

art." The Applicant submits that neither of the cited references, either singularly or in combination, disclose or suggest all the features recited in the claims. Regarding claims 2 and 4-6, as outlined above, *Kruger* fails to disclose all the elements recited in claim 1, namely a laundry dryer control method which comprises calculating a drying time based on a temperature variation rate and performing a drying procedure for the calculated drying time. The Applicant submits that *Wentzlaff* does not overcome the shortcomings of *Kruger*. Therefore, claims 2 and 4-6 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claim 3 recites, among other features, "determining whether a change in temperature variation rate is substantial." As correctly pointed out in the Office Action, *Kruger* does not disclose determining whether a change in temperature variation rate is substantial. Similarly, *Wentzlaff* also does not disclose this feature. At most, *Wentzlaff* discloses calculating changes in temperature.[2] This is clearly different. Therefore, claim 3 is also patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The Office Action also rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over *Kruger* in view of U.S. Patent No. 3,792,956 to *Hyldon* (hereinafter "*Hyldon*"). The Applicant traverses the rejection. As previously discussed, *Kruger* fails to disclose all the elements recited in claim 1, the base claim 1 from which claim 15 depends. The Applicant submits that *Hyldon* fails to address the shortcomings of *Kruger*. Thus, claim 15 is allowable over *Kruger* in view of *Hyldon* and the Applicant requests that the rejection be withdrawn.

Moreover, the Office Action rejected claims 1-9 and 15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable of claims 1-11 of U.S.

[2] *See e.g.*, col. 8, ll. 29-46.

Patent No. 6,775,923 to *Do* (hereinafter "the '923 patent"). The Applicant submits that claims 1-9 and 15 are not obvious over claims 1-11 of the '923 patent. More specifically, claim 1 of the pending application claims a laundry dryer control method which includes, among other features, "calculating a temperature variation rate" and "calculating a drying time based on the temperature variation rate." The Applicant submits that the '923 patent does not claim calculating a temperature variation rate. Accordingly, claims 1-9 and 15 are patentable over claims 1-11 of the '923 patent and the Applicant requests that the rejection be withdrawn.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant's representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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